

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS

GALVESTON DIVISION

MARK D. CHANEY	§	
	§	
VS.	§	CIVIL ACTION NO. G-09-215
	§	
ALLSTATE INSURANCE COMPANY	§	

OPINION AND ORDER

It is well-settled and beyond peradventure that Plaintiffs are not entitled to a jury trial under either the Seventh Amendment, Lehman v. Nakshian, 453 U.S. 156, 160 (1981), or the National Flood Insurance Act, Sandia Oil Co., Inc. v. Beckton, Director FEMA, 889 F.2d 258, 262 (10th Cir. 1989), in a claims handling dispute against a WYO carrier with the National Flood Insurance Program acting in its capacity as a fiscal agent of the United States and the equivalent of FEMA itself, Van Holt v. Liberty Mutual Ins. Co., 163 F.3d 161, 166 (3^d Cir. 1998).

It is, therefore, **ORDERED** that the Plaintiff's jury demand is **VACATED**.

DONE at Galveston, Texas, this ____ 6th ____ day of April, 2011.



John R. Froeschner
United States Magistrate Judge